



11-28-06  
**Roger L Belfay**

Attorney at Law

**Confidential Information**

Monday, November 27, 2006

Attn: Edward F. Landrum, Patent Examiner Art Unit 3724

Commissioner for Patents  
Mail Stop: Amendment  
P.O. Box 1450  
Alexandria, VA 22313 1450

Re: Office action of August 28, 2006 concerning:

-US Utility Patent application 10/814,504  
-by Tracy  
-filed on March 31, 2004  
-for the "Foot Frame"  
-confirmation #6464.

Edward F. Landrum:

I enclose:

- 1) an amended claim section with marked up changes,
- 2) a clean copy version of the amended claim section,

Please enter the above amendments to the subject application.

**We respectfully disagree with the Rejection of Claims 1-7 and Claim 8 "under 35 USC § 103(a) as being unpatentable over Oates '513 (U.S. Patent No. 4,926,513) in view of Heppner (U.S. 4,212,217) in further view of Van Wagner (U.S. Patent No. 1,891,629) ..."** and request that all rejections under 35 USC 103(a) be withdrawn. 35 USC 103 (a) states that "A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the difference between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time of the invention was made to a person of ordinary skill in the art to which said subject matter pertains. ...". However, "It is **improper** to combine references where the references teach away from their combination." *In re Grasselli*, 713 F.2d 731, 743, 218 USPQ 769, 779 (Fed. Cir. 1983).

Oates '513 teaches "To allow articulation of the bed, the bedding tension is controlled by means of a spring and/or gravity controlled moving carton or cartridge tray." It is apparent from figure 1A of the Oates '513 reference that the "bedding tension" referred to is provided by a loop including the bedding (150') the carton (150), tensioning springs (124), the drive roller (132), and the actuating assembly (130). Because this tensioning is provided by such a closed loop mechanism it would be impractical if not impossible to provide this necessary tensioning with the components of the tensioning mechanism positioned on the same side of the sanitary area (composed of the bedding in the case of Oates '513) as would be used by a patient or other user.

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Therefore, the above statement “teaches away from the combination of Oates ‘513 with any references which attempts to place the tensioning, supply, or collection mechanisms on the same side of the sanitary area as the patient or other user. The Heppner and Wagner references both attempt to place one or more components of the tensioning or collection mechanisms on the patient or user side of the sanitary area. Because of this placement, the Oates ‘513 reference “teaches away” from the combination with the Heppner and Van Wagner references within the meaning of *In Re Grasselli*. Therefore it would not “have been obvious at the time the invention was made to a person of ordinary skill in the art to which said subject matter pertains” because Oates ‘513 teaches away from these combinations within the meaning of *In re Grasselli*, 713 F.2d 731, 743, 218 USPQ 769, 779 (Fed. Cir. 1983).

With regard to Claim 8, we believe the “modified device of Oates ‘513” is a shorthand for “Oats ‘513 (U.S. Patent No. 4,926,513) in view of Heppner (U.S. 4,212,217) in further view of Van Wagner (U.S. Patent No. 1,891,629) ...” as stated with reference to claims 1-7. As such we restate the argument made above concerning the rejection of claims 1-7 as being equally relevant to claim 8 and respectfully request that the rejection of claims 8 also be withdrawn.

With regard to new claims 9 and 10, we draw your attention to the additional restriction, relative to claims 1 and 2, “within the planar area defined by said frame” which we believe distinguishes claim 9 and 10 from the disclosures of Oates ‘513 and places these two claims in a condition for allowance independent of the above considerations.

**Alternatively**, We respectfully disagree with your rejection of claim 8 under 35 USC 103 as being “unpatentable over Oats ‘513 in view of Kapilof ‘003 (US Publication 2003/0116003)” and request that you withdraw this rejection because the sensor disclosed by Kapilof ‘003 exclusively senses conditions related to the roll of material such as position of said material or forces exerted upon said material, while the sensor of the present invention employs “**Motion, infrared, laser, or weight sensors ... to detect dismount of each user**”. This difference enables the present invention to “**cause automatic collection of the sanitary covering material and preparation of a newly sanitized surface for the next user**” without user intervention other than progressing away from the invention.

Sincerely,



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Enclosures:

1. Clean Copy of amended claim set
2. Mark up of amended claim set

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